

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION

In Re:)
)
Greensboro Veterinary Hospital,) Case No.: B-17-11351 C-7G
)
Debtor.)

**APPLICATION FOR PUBLIC AUCTION SALE OF PERSONAL PROPERTY FREE
AND CLEAR OF LIENS**

Everett B. Saslow, Jr., Trustee, pursuant to Section 363 of the Bankruptcy Code and Rules 6004 and 6005 of the Federal Rules of Bankruptcy Procedure, respectfully states to the Court:

1. This case is pending before the Court under Chapter 7 of the United States Bankruptcy Code, and the undersigned was appointed and continues to serve as the Chapter 7 Trustee in the case of the Debtor.

2. Included among the properties of the bankruptcy estate is personal property which includes but may not be limited to office furniture and fixtures and equipment; veterinary machinery and equipment and instruments; computer hardware and software and related equipment, accessories and supplies; appliances; safe; and other goods.

3. The Trustee believes that the best disposition of the property is by online only public auction by Michael L. Rogers of Rogers Auctioneers, Inc. The public auction is to be conducted using an internet service provider only beginning on Saturday, January 13, 2018 and running through Tuesday, January 23, 2018 at 7:00 p.m. with extended bidding; and if there is a bid on an item in the last 2 minutes of the auction, that item will automatically extend for a period of 2 minutes until there is a period of 2 minutes with no bidding.

4. The Trustee is informed and believes that the proposed online public auction sale is in the best interests of the estate and all creditors and that it will generate fair value for the property to be sold. The Trustee requests that the authority for sale be effective immediately and that buyers be provided all rights under 11 U.S.C. §363, including but not limited to §363(m).

5. Subject to approval of such employment by the United States Bankruptcy Court by separate application and order, the Trustee desires to employ Michael L. Rogers of Rogers Auctioneers, Inc., a duly licensed and qualified auctioneer, to conduct this sale. The amount of the advertising and the extent of additional direct costs of sale shall be left to the discretion of the Trustee. The Trustee anticipates that the auctioneer will be compensated on the basis of a 15% buyer's premium, plus reimbursement of expenses for advertising, labor, transportation, mileage, and other expenses not to exceed \$1,500.00. Auctioneer compensation and reimbursement shall be determined by the Court after notice and hearing.

6. The Trustee's search of UCC Financing Statements found only one active UCC Financing Statement against the Debtor, such statement describing a Pinnacle 32 KW Generator as to which Blue Ridge X-Ray Company, Inc. claims to be secured party. At this time, the Trustee does not intend to sell such Pinnacle generator unless the creditor consents to the sale. Otherwise, the Trustee is not informed that any of the property proposed to be sold is subject to secured claims, although creditor Bank of America is scheduled as a secured creditor in Schedule D. To the extent that Bank of America, N.A. or any other creditor claims liens on any portion of the Debtor's personal property, the Trustee disputes such claims based upon such creditor(s) not having any filed UCC Financing Statement against the Debtor.

7. It is in the best interests of the estate, its creditors and all of the above referenced parties for the Trustee to conduct liquidation sales of the Debtor's property with all claims of lien, encumbrances, and other claims of interest being transferred to the proceeds of sale pursuant to 11 U.S.C. § 363(f), but subject to the Trustee's request for recovery of 11 U.S.C. § 506(c) expenses, and subordinating the claimed or possible liens to reasonable Chapter 7 administrative costs with regard to the property to be sold at public auction sale. Section 363(f) authorizes the Trustee to sell the property free and clear of any interests in the property of an entity if, inter alia, such entity consents or if such interest is in bona fide dispute. Accordingly, based upon a bona fide dispute about any such lien, the Trustee should be authorized to sell the Debtor's property free and clear of all liens and encumbrances and subject to the Trustee's request for recovery of 11 U.S.C. § 506(c) expenses and for subordination of such claims or liens to reasonable Chapter 7 administrative costs.

WHEREFORE, the Trustee requests that the Court allow the Trustee to conduct the online public auction sale of the personal property of the estate as described above; that that the Court enter an Order authorizing the sale of the property of the Debtor free and clear of any claims of liens or interests of creditors, with such claims of lien or encumbrances or interests being transferred to proceeds of sale and being made subject to the Trustee's request for recovery of 11 U.S.C. § 506(c) expenses; and that the Court grant such other and further relief as to the Court may seem just and proper.

This the 13th day of December, 2017.

s/ Everett B. Saslow, Jr.
Everett B. Saslow, Jr., Trustee
N.C. State Bar No. 7301

OF COUNSEL:

HILL EVANS JORDAN & BEATTY
A Professional Limited Liability Company
Post Office Box 989
Greensboro, North Carolina 27402
Telephone: (336) 379-1390

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Application for Public Auction Sale of Personal Property Free and Clear of Liens was duly served upon the following by depositing same enclosed in a postpaid, properly addressed envelope in a Post Office of official depository under the exclusive care and custody of the United States Postal Service:

Michael L. Rogers
Rogers Auctioneers, Inc.
2148 Henderson Tanyard Rd.
Pittsboro, NC 27312

Blue Ridge X-Ray Company, Inc.
120 Vista Boulevard
Arden, NC 28704

Adam T. Duke
P.O. Box 21029
Winston-Salem, NC 27101

Bank of America, N.A.
Attention: President
100 North Tryon Street
Charlotte, NC 28202

By certified mail to:
Bank of America, N.A.
Attention: Brian Moynihan, President
100 North Tryon Street
Charlotte, NC 28202

This the 13th day of December, 2017.

s/ Everett B. Saslow, Jr.
Everett B. Saslow, Jr., Trustee
N.C. State Bar No. 7301